

ERVIN MIDDLETON et al.,  
Plaintiffs,  
vs.  
GUARANTEED RATE, INC. et al.,  
Defendants.

## ORDER

1 of 2

1 failure to make the required TILA notifications, TILA simply did not apply to the purchase  
2 money mortgage in this case.

3 Plaintiffs appealed. The Court of Appeals directed Plaintiffs to pay the filing fee or file a  
4 motion to proceed *in forma pauperis*. Plaintiffs paid the fee but later asked this Court to  
5 reconsider dismissal and asked the Court of Appeals to voluntarily dismiss the appeal and refund  
6 the appeal filing fee. The Court of Appeals granted the motion to voluntarily dismiss the appeal  
7 but denied the motion to recover the filing fee without prejudice to renewal before this Court.  
8 Plaintiffs then filed a copy of the same motion in this Court. The Court granted the motion to  
9 refund the appeal filing fee and denied the motion to reconsider dismissal.


10 Plaintiffs have filed two further motions. First, Plaintiffs ask the Court to reinstate the  
11 appeal. That motion is denied for lack of jurisdiction. Such a motion must be made to the Court  
12 of Appeals. Second, Plaintiffs ask the Court to reconsider its order denying reconsideration of  
13 the order granting the motion to dismiss. The Court denies that motion for the reasons already  
14 given.

### 15 CONCLUSION

16 IT IS HEREBY ORDERED that the Motions (ECF Nos. 33, 35) are DENIED.

17 IT IS SO ORDERED.

18 DATED this 25<sup>th</sup> day of January, 2016.

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21 ROBERT C. JONES  
22 United States District Judge  
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